

EXHIBIT LIST

EXHIBIT A

Affidavit of Service, Special Process Server

EXHIBIT B

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
James Rosemeyer, Contributions Manager

EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
Daniel P. McAnally, Plaintiffs Attorney

Exhibit A

Exhibit A

LCW

08 C 1311

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

JUDGE HART
MAGISTRATE JUDGE VALDEZ

SUMMONS IN A CIVIL CASE

TRUSTEES of the REGIONAL COUNCIL OF
CARPENTERS PENSION FUND, WELFARE FUND
and APPRENTICE & TRAINEE PROGRAM FUND

CASE NUMBER:

V.

ASSIGNED JUDGE:

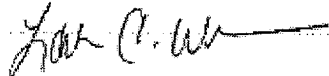
R & W CLARK CONSTRUCTION, INC. a dissolved
corporation and RICK CLARK individually and d/b/a
R & W CLARK CONSTRUCTION, INC.DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

RICK CLARK
17733 LILAC LANE
TINLEY PARK, IL 60477**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)DANIEL P. McANALLY
WHITFIELD McGANN & KETTERMAN
111 E. WACKER DRIVE
SUITE 2600
CHICAGO, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

March 5, 2008

Date



ClientCaseID: N7627/DPM
Law Firm ID: WHITFIEL



CaseReturnDate: 4/13/08

Affidavit of Special Process Sever

UNITED STATES DISTRICT COURT

Case Number **08C1311**

I, **ANNA CANOLE**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

ABODE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**
ON THE WITHIN NAMED DEFENDANT **RICK CLARK, INDIVIDUALLY**
PERSON SERVED **COLLEEN CLARK, DAUGHTER**

I SERVED A MEMBER OF HOUSEHOLD 13 YEARS OF AGE OR OLDER AT THE DEFENDANTS USUAL PLACE OF ABODE AND INFORMED THAT PERSON OF THE CONTENTS THEREOF AND FURTHER MAILED A COPY OF THE SUMMONS OR PROCESS IN A SEALED ENVELOPE WITH POSTAGE PREPAID TO THE DEFENDANT, AT HIS USUAL PLACE OF ABODE WITHIN TWO BUSINESS DAYS OF THE SERVICE.

That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**
are as follow: Sex **FEMALE** Race **WHITE** Age **19**
Height **5'7"** Build **THIN** Hair **BLONDE**

LOCATION OF SERVICE **17733 Lilac Lane**
Tinley Park, IL, 60477

Date Of Service: **3/16/08**

Time of Service: **9:53 AM**

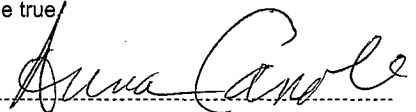
Date Of Mailing **3/18/2008**


ANNA CANOLE

3/28/2008

Special Process Sever
P.E.R.C.#129-203615

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.



LCW

08 C 1311

AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOISJUDGE HART
MAGISTRATE JUDGE VALDEZ

SUMMONS IN A CIVIL CASE

TRUSTEES of the REGIONAL COUNCIL OF
CARPENTERS PENSION FUND, WELFARE FUND
and APPRENTICE & TRAINEE PROGRAM FUND

CASE NUMBER:

V.

ASSIGNED JUDGE:

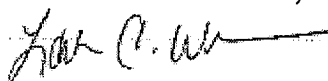
R & W CLARK CONSTRUCTION, INC. a dissolved
corporation and RICK CLARK individually and d/b/a
R & W CLARK CONSTRUCTION, INC.DESIGNATED
MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

R & W CLARK CONSTRUCTION, INC.
c/o RICK CLARK, REGISTERED AGENT
17733 LILAC LANE
TINLEY PARK, IL 60477**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)DANIEL P. McANALLY
WHITFIELD McGANN & KETTERMAN
111 E. WACKER DRIVE
SUITE 2600
CHICAGO, IL 60601

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk



(By) DEPUTY CLERK

March 5, 2008

Date



ClientCaseID: N7627/DPM
Law Firm ID: WHITFIEL



CaseReturnDate: 4/13/08

Affidavit of Special Process Sever

UNITED STATES DISTRICT COURT

Case Number **08C1311**

I, **ANNA CANOLE**

FIRST DULY SWORN ON OATH STATES THAT I AM OVER 18 YEARS OF AGE AND NOT A PARTY TO THIS SUIT AND IS A REGISTERED EMPLOYEE OF ILLINOIS DEPARTMENT OF PROFESSIONAL REGULATION PRIVATE DETECTIVE AGENCY #117-001292 STERN PROCESS & INVESTIGATION LLC 205 W. RANDOLPH ST. #1210 CHICAGO IL 60606

CORPORATE SERVICE

THAT I SERVED THE WITHIN **SUMMONS AND COMPLAINT**
ON THE WITHIN NAMED DEFENDANT **R & W Clark Construction, Inc.**
PERSON SERVED **RICK CLARK, AGENT**
BY LEAVING A COPY OF EACH WITH THE SAID DEFENDANT ON **3/22/08**

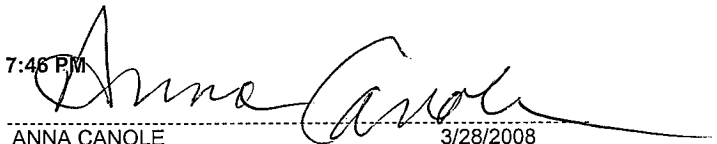
That the sex, race and approximate age of the person whom I left the **SUMMONS AND COMPLAINT**
are as follow:

Sex MALE **Race** WHITE **Age** 50S
Height 5'10" **Build** AVERAGE **Hair** SALT & PEPPER

LOCATION OF SERVICE **17733 Lilac Lane**
Tinley Park, IL, 60477

Date Of Service **3/22/08**

Time of Service **7:45 PM**



ANNA CANOLE

3/28/2008

Special Process Sever

P.E.R.C.#129-203615

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statement are true and correct, except as to matters therein stated to be on information and belief and such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

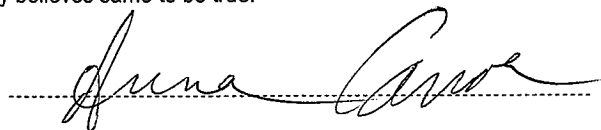


Exhibit B

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

Case No. 08 C 1311

Judge Hart

V.

R & W CLARK CONSTRUCTION, INC.
a dissolved corporation and RICK CLARK
individually and d/b/a
R & W CLARK CONSTRUCTION, INC.

Defendants.

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

James Rosemeyer declares as follows:

1. I am the Manager of the Employer Contributions Department for the Chicago Regional Council of Carpenters Pension Fund and the Chicago Regional Council of Carpenters Welfare Fund ("Trust Funds") and in such capacity I am authorized to make this Declaration on behalf of the Trust Funds.
2. The Defendants executed an Agreement with the Chicago and Northeast Illinois Regional Council of Carpenters ("Union") whereby it agreed to be bound by the provisions of a Collective Bargaining Agreement and to all Collective Bargaining Agreements subsequently negotiated.
3. Pursuant to the provisions of the Agreement and the Collective Bargaining Agreements, the Defendants agreed to be bound by the provisions of the Agreements and Declarations of Trust, which created the Plaintiffs' Trust Funds.

4. Pursuant to the provisions of the Collective Bargaining Agreements and Trust Agreements, the Defendants are required to submit monthly reports which list the number of hours worked by its carpenter employees and the Defendants are required to pay contributions based upon the hours listed.

5. The Defendants submitted the contribution reports for the period October 2007 through December 2007 but did not pay the contributions. The reports show that \$7,972.28 is owed in ERISA contributions. The Defendants also failed to remit the union dues it withheld from the employees' wages. The amount of dues withheld is \$358.04 for the period November 2007 through December 2007.

6. Because of its failure to pay contributions in a timely manner, the Trust Agreement and Collective Bargaining Agreement mandate the assessment of liquidated damages. The liquidated damages calculation was based on the rate set forth in the controlling Trust Agreements, which is 1.5% compounded per month. The amount of liquidated damages owed is \$3,533.83 for the period July 2006 through December 2007.

7. The interest calculation is based on the ERISA Section awarding such interest, 29 U.S.C. §1132(g)(2) and because the relevant Trust Agreements do not specify the rate of interest, the calculations were done pursuant to Section 6621 of the Internal Revenue Code. The amount of interest owed is \$89.39.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: May 21, 2008

Signature: _____

4/28/2008

R & W Clark Construction, Inc.
 19418 97th Avenue
 Mokena, IL 60448

Account #18819

<u>Contributions</u>	<u>Liquidated Damages</u>	<u>Interest</u>	<u>Dues</u>
Jul-06	\$347.47		
Aug-06	\$353.19		
Sep-06	\$254.80		
Oct-06	\$224.03		
Nov-06	\$186.67		
Dec-06	\$183.30		
Jan-07	\$107.18		
Feb-07	\$44.60		
Mar-07	\$120.17		
Apr-07	\$117.13		
May-07	\$130.76		
Jun-07	\$215.68		
Jul-07	\$219.68		
Aug-07	\$183.21		
Sep-07	\$180.50		
Oct-07	\$2,824.28	\$387.31	\$42.78
Nov-07	\$3,168.00	\$189.38	\$31.22
Dec-07	<u>\$1,980.00</u>	<u>\$88.77</u>	<u>\$15.39</u>
totals:	\$7,972.28	\$3,533.83	\$89.39
			\$222.07
			<u>\$135.97</u>
			\$358.04

Exhibit C

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the CHICAGO REGIONAL
COUNCIL OF CARPENTERS PENSION
FUND, et al.

Plaintiffs,

v.

R & W CLARK CONSTRUCTION, INC.
a dissolved corporation and RICK CLARK
individually and d/b/a
R & W CLARK CONSTRUCTION, INC.

Defendants.

Case No. 08 C 1311

Judge Hart

SWORN DECLARATION PURSUANT TO 28 U.S.C.A. § 1746

Daniel P. McAnally declares as follows:

1. I am an associate of the law firm of Whitfield & McGann and am licensed to practice law in the State of Illinois and in the U.S. Dist. Court for Northern District of Illinois, Eastern Division.

2. I have personal knowledge of the facts stated herein and if called to testify in this matter, I can competently testify to such facts from my own such knowledge.

3. I have in excess of 15 years experience representing trustees of employee benefit plans, including the prosecution of Federal Court litigation to collect delinquent employer contributions.

4. The Collective Bargaining Agreement and the Trust Agreements under which this action is based provide for the payment of attorneys' fees and costs incurred if the Trust Funds utilize legal counsel to collect unpaid ERISA contributions.

5. I have devoted 9.60 hours in connection with the this case at the rate of \$175.00 per hour. The total attorney fees billings is \$1,680.

6. In addition, the filing fee was \$350.00 and the fees for service of process were an additional \$110.00. These costs total \$460.00.

7. I certify that the attached detailed attorney fees and costs totaling \$2,140 were necessary and reasonable.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Declaration is true and correct.

Date: May 21, 2008

s/ DANIEL P. McANALLY

Attorney for the Trustees of the Chicago
Regional Council of Carpenters Pension Fund,
et al.

5/21/2008
12:57 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page 1

Selection Criteria

Case (hand select) Include: CTF-C./N7627
 Slip Classification Open
 Case (hand select) Include: CTF-C./N7627
 Slip Transaction Ty 1 - 1

Rate Info - identifies rate source and level

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
354647	CPW			
TIME	Billable	0.00	T@7	
3/1/2008	CTF-C./N7627	0.00		
Billed G:73223 4/2/2008		0.00		
LEXIS FEE: Search Illinois Secretary of State database for corporate information including registered agent of the corporation for purposes of service; search for related companies; perform asset search of company and principals.				
354646	DPM	1.00	175.00	175.00
TIME	Billable	0.00	T@7	
3/1/2008	CTF-C./N7627	0.00		
Billed G:73223 4/2/2008		0.00		
Review referral from Trust Funds; prepare database and load information regarding case facts, history and legal strategy. Prepare/ Open file for litigation; review corporate status and registered agent information for legal process.				
354648	DPM	2.00	175.00	350.00
TIME	Billable	0.00	T@7	
3/3/2008	CTF-C./N7627	0.00		
Billed G:73223 4/2/2008		0.00		
Prepare summons, complaint, appearance forms and civil cover sheet for Trust Funds' claims and compliance matters pursuant to ERISA Sec. 1132, 1145 and Taft-Hartley Act Sec. 301.				
354649	DPM	0.25	175.00	43.75
TIME	Billable	0.00	T@7	
3/4/2008	CTF-C./N7627	0.00		
Billed G:73223 4/2/2008		0.00		
Prepare the complaint, summons, civil cover sheet and appearance for electronic filing; file the documents.				
354650	DPM	0.40	175.00	70.00
TIME	Billable	0.00	T@7	
3/6/2008	CTF-C./N7627	0.00		
Billed G:73223 4/2/2008		0.00		
Review complaint filed at the Federal Court; load information regarding the filing date,				

5/21/2008
12:58 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

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Slip ID	Dates and Time	Posting Status	Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
			case number and assigned judge into the database; review (via the Internet) the judge's standing order regarding pre-trial litigation, motion practice and status hearing dates; update file / database regarding same.				
354651	TIME			DPM	1.00	175.00	175.00
	3/7/2008			Billable	0.00	T@7	
	Billed	G:73223	4/2/2008	CTF-C./N7627	0.00		
			Prepare correspondence to legal process server Scott Forrest Stern & Associates, Inc. regarding service of the summons and complaint on the defendant; prepare correspondence to James Rosemeyer, ERISA Contributions Manager, Chicago District Council of Carpenters' Trust Funds regarding the filling of the complaint; enclose copy of the summons and complaint; docket follow-up dates for service.		0.00		
357007	TIME			DPM	0.20	175.00	35.00
	4/29/2008			Billable	0.00	T@7	
	Billed	G:73483	5/1/2008	CTF-C./N7627	0.00		
			Telephone conference with trust fund contributions manager, James Rosemeyer regarding reports submitted; discussed status of the litigation and future action to be taken.		0.00		
357005	TIME			DPM	0.25	175.00	43.75
	4/29/2008			Billable	0.00	T@7	
	Billed	G:73483	5/1/2008	CTF-C./N7627	0.00		
			Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding MINUTE entry before Judge Honorable William T. Hart: Status hearing set for 5/1/2008 at 11:00 AM. ; download documents to the file folder; print document and enclose in file.		0.00		
357230	TIME			DPM	1.00	175.00	175.00
	5/1/2008			Billable	0.00	T@7	
	WIP			CTF-C./N7627	0.00		
			Attend court appearance at the U.S. District Court for the Northern District of Illinois before Judge Hart.		0.00		
357602	TIME			DPM	0.50	175.00	87.50
	5/2/2008			Billable	0.00	T@7	
	WIP			CTF-C./N7627	0.00		
			Review Scott Forrest Stern & Assoc., Inc.'s		0.00		

5/21/2008
12:58 PMWHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

3

Slip ID	ATTORNEY	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Case	Est. Time	Bill Status	
Description	Reference	Variance		
report on service of the summons and complaint for Rick Clark personally; review process server remarks regarding details of service; review affidavit of service for legality; electronically file the proof of service with the clerk of the U.S. Dist. Court for the Northern Dist. of Illinois; docket follow-up dates for Answer due date.				
357328	TIME	DPM		
5/5/2008	Billable	0.25	175.00	43.75
WIP	CTF-C./N7627	0.00	T@7	
Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding MINUTE entry before Judge Honorable William T. Hart: Status hearing held on 5/1/2008. Status hearing set for 5/28/2008 at 11:00 AM.; download documents to the file folder; print document and enclose in file.		0.00		
357603	TIME	DPM		
5/9/2008	Billable	0.50	175.00	87.50
WIP	CTF-C./N7627	0.00	T@7	
Review Scott Forrest Stern & Assoc., Inc.'s report on service of the summons and complaint on R & W Clark Construction; review process server remarks regarding details of service; review affidavit of service for legality; electronically file the proof of service with the clerk of the U.S. Dist. Court for the Northern Dist. of Illinois; docket follow-up dates for Answer due date.		0.00		
357670	TIME	DPM		
5/12/2008	Billable	0.25	175.00	43.75
WIP	CTF-C./N7627	0.00	T@7	
Review e-mail sent by the U.S. Dist. Court for the Northern Dist. of Illinois regarding the court filed summons; download documents to the file folder; print document and enclose in file.		0.00		
358169	TIME	DPM		
5/21/2008	Billable	2.00	175.00	350.00
WIP	CTF-C./N7627	0.00	T@7	
Review court file to determine if Answer filed; review office file for Answer; confirm Answer due dates; review U. S. District Court website to verify the date and time that the presiding Judge hears motions; prepare motion for default judgment pursuant to F. Rul. Civ. P. 55 for failure to Answer or		0.00		

5/21/2008
12:58 PM

WHITFIELD, McGANN & KETTERMAN
Slip Listing

Page

4

Slip ID Dates and Time Posting Status Description	ATTORNEY Activity Case Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
otherwise plead.				
Grand Total	Billable Unbillable Total	10.40 0.00 10.40		1868.00 0.00 1868.00

9.60 @ 175- \$1,680

Filing Fee

\$ 350-

Service

\$ 110

\$ 2,140

STERN PROCESS & INVESTIGATION, LLC

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

Customer

WHITFIELD, MCGANN & KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700 Fax: (312)-251-9701

Invoice# 179965**Date Of Invoice:** 3/24/2008**Plaintiff:** Trustees of the Regional Council of Carpenters Pension Fund**Court CaseID:** 08C1311**Firm#** N7627/DPM**Case Returned Date:** 4/13/08**County:** UNITED STATES DISTRICT COURT**Process Server:** ANNA CANOLE**ProcessType:** SUMMONS AND COMPLAINT**Defendant:#1** R & W Clark Construction, Inc.**Type Of Service:** CORPORATE SERVICE**Person Served:** RICK CLARK, AGENT**Date Of Service:** 3/22/2008**Time:** 7:46 PM**Sex** MALE **Age** 50S **Height** 5'10" **Build** AVERAGE **Hair Color** SALT & **Race** WHITE**Defendant:#2****Type Of Service:****Person Served:****Date Of Service:****Time:****Sex** **Age** **Height** **Build** **Hair Color** **Race****Location** 17733 Lilac Lane , Tinley Park, IL, 60477**Type Of Premise:** SINGLE FAMILY HOME

Delivery Charge	\$55.00	Rush	\$0.00
Bad Address	\$0.00	Filing	\$0.00
No Contact	\$0.00	Investigation	\$0.00
Database/Skip	\$0.00	Advanced fees	\$0.00

Total: \$55.00**Date Received****Check No****Amount Received**

\$0.00

Balance Due

\$55.00

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED**PAYABLE UPON RECEIPT, 2% PER MONTH**

STERN PROCESS & INVESTIGATION, LLC

Tax ID 04-3801615

205 W. RANDOLPH ST 1210

CHICAGO, IL, 60606

Phone (312)-853-2150

Fax (312)-853-3119

Customer

WHITFIELD, MCGANN & KETTERMAN

111 E WACKER DRIVE 2600

CHICAGO, IL, 60601

Phone: (312)-251-9700 Fax: (312)-251-9701

Invoice# 181226

Date Of Invoice: 3/28/2008

Plaintiff: Trustees of the Regional Council of Carpenters Pension Fund

Court CaseID: 08C1311

Firm# N7627/DPM

Case Returned Date: 4/13/08

County: UNITED STATES DISTRICT COURT

Process Server: ANNA CANOLE

ProcessType: SUMMONS AND COMPLAINT

Defendant:#1 RICK CLARK, INDIVIDUALLY

Type Of Service: ABODE SERVICE

Person Served: COLLEEN CLARK, DAUGHTER

Date Of Service: 3/16/2008 Time: 9:53 AM

Sex FEMALE Age 19

Height 5'7"

Build THIN

Hair Color BLONDE

Race WHITE

Defendant:#2

Type Of Service:

Person Served:

Date Of Service:

Time:

Sex

Age

Height

Build

Hair Color

Race

Location 17733 Lilac Lane , Tinley Park, IL, 60477

Type Of Premise:

Delivery Charge

\$55.00

Rush

\$0.00

Bad Address

\$0.00

Filing

\$0.00

No Contact

\$0.00

Investigation

\$0.00

Database/Skip

\$0.00

Advanced fees

\$0.00

Total:**\$55.00**

Date Received

Check No

Amount Received

\$0.00

Balance Due

\$55.00

INFORMATION DEEMED RELIABLE BUT NOT GUARANTEED

PAYABLE UPON RECEIPT, 2% PER MONTH